

TRUSTEES OF THE SHEET METAL )  
LOCAL 36 PENSION FUND, et al., )  
 )  
Plaintiffs, )  
 )  
vs. ) No. 4:08-CV-534 (CEJ)  
 )  
ADVANCED MIDWEST HEATING AND )  
COOLING, INC., et al., )  
 )  
Defendants. )

This matter is before the Court on plaintiffs' motion requesting that the Court order defendants to show cause why they should not be held in contempt of court. Plaintiffs state that defendants failed to comply with an order directing them to produce payroll registers and other documents needed to perform an audit.


Plaintiffs filed this action to collect delinquent contributions to employee benefit plans due under the terms of a collective bargaining agreement. Default was entered by the Clerk of Court against defendant Advanced Midwest Heating and Cooling, Inc. on June 5, 2008. Plaintiffs subsequently filed an amended complaint alleging that defendant Advanced Midwest Enterprises was fraudulently formed to enable defendant Advanced Midwest Heating and Cooling to avoid the consequences of its collective bargaining agreement. On December 3, 2008, the Clerk of Court granted default against Advanced Midwest Enterprises. On March 2, 2009, the Court granted plaintiffs' motion

for default order to compel an accounting and directed both defendants to produce, not later than March 27, 2009, their books and records for the period of December 1, 2007, through the present. Plaintiffs assert that defendants have failed to comply.

Plaintiffs move the Court to order defendants to show cause for their failure to comply with the Court's March 2, 2009 order. Without defendants' compliance, the Court will not be able to properly determine the amount of damages due to plaintiffs. The Court will give defendants the opportunity to explain their failure to comply with the previous order directing them to produce payroll registers and other documents needed to perform an audit.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion [#22] to order defendants to show cause is **granted**.

  
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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of June, 2009.